

Original sponsor: Rules Committee
by request of the Governor

Offered: 3/25/74
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 322

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to operating a motor vehicle while
7 under the influence of intoxicating liquor or narcotic
8 drugs, changing Rule 35, Rules of Criminal Procedure;
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 28.35.030 is amended to read:

12 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
13 LIQUOR OR DRUGS. A person who, while under the influence of intoxicating
14 liquor or narcotic drugs as defined in AS 17.10.230(13), operates or
15 drives an automobile, motorcycle or other motor vehicle in the state
16 upon conviction is punishable by a fine of not more than \$1,000, or by
17 imprisonment for not more than one year, or by both. Upon a second
18 conviction within five years after a first conviction under this section,
19 the court shall impose a minimum sentence of imprisonment of not less
20 than three days. Upon a subsequent conviction within five years after a
21 second conviction under this section, the court shall impose a minimum
22 sentence of imprisonment of not less than 10 days. The execution of
23 sentence may not be suspended nor may probation or parole be granted
24 until the minimum imprisonment provided in this section has been served,
25 nor may imposition of sentence be suspended, except upon the condition
26 that the defendant be imprisoned for no less than the minimum period
27 provided in this section. In addition, his operator's license may be
28 limited or suspended in accordance with AS 28.15.260(a).

29 * Sec. 2. The mandatory sentence imposed under sec. 1 of this Act is not

1 applicable to convictions occurring before the effective date of this Act.

2 * Sec. 3. Section 1 of this Act changes Rule 35, Rules of Criminal
3 Procedure, by eliminating the court's discretion to reduce or suspend a
4 sentence within 60 days after it is imposed on second or subsequent convic-
5 tions for driving under the influence of intoxicating liquor or drugs.

6 * Sec. 4. This Act takes effect on the day after its passage and approval
7 or on the day it becomes law without approval.

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